

BEFORE THE  
BOARD OF REGISTERED NURSING  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

In the Matter of the Statement of Issues Against:

Case No. 2012-539

**TANYA MARIE NGUYEN**  
**a.k.a. Tanya Thanh-Nga**  
**4570 Turnstone Way**  
**Fairfield, CA 94534**

**Applicant for Registered Nurse License**

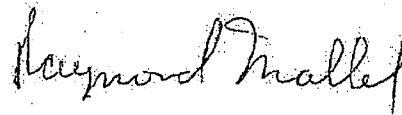
Respondent

**DECISION AND ORDER**

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Board of Registered Nursing, Department of Consumer Affairs, as its Decision in the above entitled matter.

This Decision shall become effective on **September 07, 2012.**

IT IS SO ORDERED **August 8, 2012.**



---

Board of Registered Nursing  
Department of Consumer Affairs  
State of California

1 KAMALA D. HARRIS  
Attorney General of California  
2 FRANK H. PACOE  
Supervising Deputy Attorney General  
3 JONATHAN D. COOPER  
Deputy Attorney General  
4 State Bar No. 141461  
455 Golden Gate Avenue, Suite 11000  
5 San Francisco, CA 94102-7004  
Telephone: (415) 703-1404  
6 Facsimile: (415) 703-5480  
*Attorneys for Complainant*

7  
8 **BEFORE THE**  
**BOARD OF REGISTERED NURSING**  
**DEPARTMENT OF CONSUMER AFFAIRS**  
9 **STATE OF CALIFORNIA**

10 In the Matter of the Statement of Issues  
11 Against:

12 **TANYA MARIE NGUYEN**  
**aka Tanya Thanh-Nga**  
13 **4570 Turnstone Way**  
14 **Fairfield CA, 94534**

15 Respondent.

Case No. 2012-539

**STIPULATED SETTLEMENT AND**  
**DISCIPLINARY ORDER**

16  
17 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-  
18 entitled proceedings that the following matters are true:

19 **PARTIES**

20 1. Louise R. Bailey, M.Ed., RN (Complainant) is the Interim Executive Officer of the  
21 Board of Registered Nursing. She brought this action solely in her official capacity and is  
22 represented in this matter by Kamala D. Harris, Attorney General of the State of California, by  
23 Jonathan D. Cooper, Deputy Attorney General.

24 2. Respondent Tanya Marie Nguyen a.k.a. Tanya Thanh-Nga (Respondent) is  
25 representing herself in this proceeding and has chosen not to exercise her right to be represented  
26 by counsel.

27 3. On or about May 18, 2011, Respondent filed an application dated May 12, 2011, with  
28 the Board of Registered Nursing to obtain a registered nurse license.

1  
2  
3  
4  
5  
6  
7  
8  
9  
0  
1  
2  
3  
4  
5  
6  
7  
3  
9  
0  
1  
2  
3  
4  
5  
6  
7  
3

2  
3  
4  
5

6  
7

## 8

9  
0  
1

2  
3  
4  
5  
6  
7  
3

90

## 1

23

4  
5

## 5

73

1 Registered Nursing may communicate directly with the Board regarding this stipulation and  
2 settlement, without notice to or participation by Respondent. By signing the stipulation,  
3 Respondent understands and agrees that she may not withdraw her agreement or seek to rescind  
4 the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt  
5 this stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary Order shall  
6 be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action  
7 between the parties, and the Board shall not be disqualified from further action by having  
8 considered this matter.

9 12. The parties understand and agree that facsimile copies of this Stipulated Settlement  
10 and Disciplinary Order, including facsimile signatures thereto, shall have the same force and  
11 effect as the originals.

12 13. This Stipulated Settlement and Disciplinary Order is intended by the parties to be an  
13 integrated writing representing the complete, final, and exclusive embodiment of their agreement.  
14 It supersedes any and all prior or contemporaneous agreements, understandings, discussions,  
15 negotiations, and commitments (written or oral). This Stipulated Settlement and Disciplinary  
16 Order may not be altered, amended, modified, supplemented, or otherwise changed except by a  
17 writing executed by an authorized representative of each of the parties.

18 14. In consideration of the foregoing admissions and stipulations, the parties agree that  
19 the Board may, without further notice or formal proceeding, issue and enter the following  
20 Disciplinary Order:

21 **DISCIPLINARY ORDER**

22 IT IS HEREBY ORDERED that the application of Respondent Tanya Marie Nguyen aka  
23 Tanya Thangh-Nga for licensure is hereby granted. Upon successful completion of the licensure  
24 examination and all other licensing requirements, a license shall be issued to Respondent. Said  
25 license shall immediately be revoked, the order of revocation stayed and Respondent placed on  
26 probation for a period of three (3) years on the following conditions:

27 **Severability Clause.** Each condition of probation contained herein is a separate and  
28 distinct condition. If any condition of this Order, or any application thereof, is declared

unenforceable in whole, in part, or to any extent, the remainder of this Order, and all other applications thereof, shall not be affected. Each condition of this Order shall separately be valid and enforceable to the fullest extent permitted by law.

1. **Obey All Laws.** Respondent shall obey all federal, state and local laws. A full and detailed account of any and all violations of law shall be reported by Respondent to the Board in writing within seventy-two (72) hours of occurrence. To permit monitoring of compliance with this condition, Respondent shall submit completed fingerprint forms and fingerprint fees within 45 days of the effective date of the decision, unless previously submitted as part of the licensure application process.

**Criminal Court Orders:** If Respondent is under criminal court orders, including probation or parole, and the order is violated, this shall be deemed a violation of these probation conditions, and may result in the filing of an accusation and/or petition to revoke probation.

2. **Comply with the Board's Probation Program.** Respondent shall fully comply with the conditions of the Probation Program established by the Board and cooperate with representatives of the Board in its monitoring and investigation of the Respondent's compliance with the Board's Probation Program. Respondent shall inform the Board in writing within no more than 15 days of any address change and shall at all times maintain an active, current license status with the Board, including during any period of suspension.

Upon successful completion of probation, Respondent's license shall be fully restored.

3. **Report in Person.** Respondent, during the period of probation, shall appear in person at interviews/meetings as directed by the Board or its designated representatives.

4. **Residency, Practice, or Licensure Outside of State.** Periods of residency or practice as a registered nurse outside of California shall not apply toward a reduction of this probation time period. Respondent's probation is tolled, if and when she resides outside of California. Respondent must provide written notice to the Board within 15 days of any change of residency or practice outside the state, and within 30 days prior to re-establishing residency or returning to practice in this state.

Respondent shall provide a list of all states and territories where she has ever been licensed

as a registered nurse, vocational nurse, or practical nurse. Respondent shall further provide information regarding the status of each license and any changes in such license status during the term of probation. Respondent shall inform the Board if she applies for or obtains a new nursing license during the term of probation.

5. **Submit Written Reports.** Respondent, during the period of probation, shall submit or cause to be submitted such written reports/declarations and verification of actions under penalty of perjury, as required by the Board. These reports/declarations shall contain statements relative to Respondent's compliance with all the conditions of the Board's Probation Program. Respondent shall immediately execute all release of information forms as may be required by the Board or its representatives.

Respondent shall provide a copy of this Decision to the nursing regulatory agency in every state and territory in which she has a registered nurse license.

6. **Function as a Registered Nurse.** Respondent, during the period of probation, shall engage in the practice of registered nursing in California for a minimum of 24 hours per week for 6 consecutive months or as determined by the Board.

For purposes of compliance with the section, "engage in the practice of registered nursing" may include, when approved by the Board, volunteer work as a registered nurse, or work in any non-direct patient care position that requires licensure as a registered nurse.

The Board may require that advanced practice nurses engage in advanced practice nursing for a minimum of 24 hours per week for 6 consecutive months or as determined by the Board.

If Respondent has not complied with this condition during the probationary term, and Respondent has presented sufficient documentation of her good faith efforts to comply with this condition, and if no other conditions have been violated, the Board, in its discretion, may grant an extension of Respondent's probation period up to one year without further hearing in order to comply with this condition. During the one year extension, all original conditions of probation shall apply.

7. **Employment Approval and Reporting Requirements.** Respondent shall obtain prior approval from the Board before commencing or continuing any employment, paid or

1 voluntary, as a registered nurse. Respondent shall cause to be submitted to the Board all  
2 performance evaluations and other employment related reports as a registered nurse upon request  
3 of the Board.

4 Respondent shall provide a copy of this Decision to her employer and immediate  
5 supervisors prior to commencement of any nursing or other health care related employment.

6 In addition to the above, Respondent shall notify the Board in writing within seventy-two  
7 (72) hours after she obtains any nursing or other health care related employment. Respondent  
8 shall notify the Board in writing within seventy-two (72) hours after she is terminated or  
9 separated, regardless of cause, from any nursing, or other health care related employment with a  
10 full explanation of the circumstances surrounding the termination or separation.

11 **8. Supervision.** Respondent shall obtain prior approval from the Board regarding  
12 Respondent's level of supervision and/or collaboration before commencing or continuing any  
13 employment as a registered nurse, or education and training that includes patient care.

14 Respondent shall practice only under the direct supervision of a registered nurse in good  
15 standing (no current discipline) with the Board of Registered Nursing, unless alternative methods  
16 of supervision and/or collaboration (e.g., with an advanced practice nurse or physician) are  
17 approved.

18 Respondent's level of supervision and/or collaboration may include, but is not limited to the  
19 following:

20 (a) Maximum - The individual providing supervision and/or collaboration is present in  
21 the patient care area or in any other work setting at all times.

22 (b) Moderate - The individual providing supervision and/or collaboration is in the patient  
23 care unit or in any other work setting at least half the hours Respondent works.

24 (c) Minimum - The individual providing supervision and/or collaboration has person-to-  
25 person communication with Respondent at least twice during each shift worked.

26 (d) Home Health Care - If Respondent is approved to work in the home health care  
27 setting, the individual providing supervision and/or collaboration shall have person-to-person  
28 communication with Respondent as required by the Board each work day. Respondent shall

1 maintain telephone or other telecommunication contact with the individual providing supervision  
2 and/or collaboration as required by the Board during each work day. The individual providing  
3 supervision and/or collaboration shall conduct, as required by the Board, periodic, on-site visits to  
4 patients' homes visited by Respondent with or without Respondent present.

5       9.     **Employment Limitations.** Respondent shall not work for a nurse's registry, in any  
6 private duty position as a registered nurse, a temporary nurse placement agency, a traveling nurse,  
7 or for an in-house nursing pool.

8       Respondent shall not work for a licensed home health agency as a visiting nurse unless the  
9 registered nursing supervision and other protections for home visits have been approved by the  
10 Board. Respondent shall not work in any other registered nursing occupation where home visits  
11 are required.

12       Respondent shall not work in any health care setting as a supervisor of registered nurses.  
13 The Board may additionally restrict Respondent from supervising licensed vocational nurses  
14 and/or unlicensed assistive personnel on a case-by-case basis.

15       Respondent shall not work as a faculty member in an approved school of nursing or as an  
16 instructor in a Board approved continuing education program.

17       Respondent shall work only on a regularly assigned, identified and predetermined  
18 worksite(s) and shall not work in a float capacity.

19       If Respondent is working or intends to work in excess of 40 hours per week, the Board may  
20 request documentation to determine whether there should be restrictions on the hours of work.

21       10.   **Violation of Probation.** If Respondent violates the conditions of her probation, the  
22 Board after giving Respondent notice and an opportunity to be heard, may set aside the stay order  
23 and impose the stayed discipline (revocation/suspension) of Respondent's license.

24       If during the period of probation, an accusation or petition to revoke probation has been  
25 filed against Respondent's license or the Attorney General's Office has been requested to prepare  
26 an accusation or petition to revoke probation against Respondent's license, the probationary  
27 period shall automatically be extended and shall not expire until the accusation or petition has  
28 been acted upon by the Board.



11. **License Surrender.** During Respondent's term of probation, if she ceases practicing due to retirement, health reasons or is otherwise unable to satisfy the conditions of probation, Respondent may surrender her license to the Board. The Board reserves the right to evaluate Respondent's request and to exercise its discretion whether to grant the request, or to take any other action deemed appropriate and reasonable under the circumstances, without further hearing. Upon formal acceptance of the tendered license and wall certificate, Respondent will no longer be subject to the conditions of probation.

Surrender of Respondent's license shall be considered a disciplinary action and shall become a part of Respondent's license history with the Board. A registered nurse whose license has been surrendered may petition the Board for reinstatement no sooner than the following minimum periods from the effective date of the disciplinary decision:

- (1) Two years for reinstatement of a license that was surrendered for any reason other than a mental or physical illness; or
- (2) One year for a license surrendered for a mental or physical illness.

12. **Therapy or Counseling Program.** Respondent, at her expense, shall participate in an on-going counseling program until such time as the Board releases her from this requirement and only upon the recommendation of the counselor. Written progress reports from the counselor will be required at various intervals.

## ACCEPTANCE

I have carefully read the Stipulated Settlement and Disciplinary Order. I understand the stipulation and the effect it will have on my application and license. I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board of Registered Nursing.

DATED:

3/19/12

*Tanya Marie Nguyen*  
TANYA MARIE NGUYEN A.K.A. TANYA  
THANGH-NGA  
Respondent

## ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully

1 submitted for consideration by the Board of Registered Nursing of the Department of Consumer  
2 Affairs.

3 Dated: 3/22/12

Respectfully submitted,

KAMALA D. HARRIS  
Attorney General of California  
FRANK H. PACOE  
Supervising Deputy Attorney General

7 

JONATHAN D. COOPER  
Deputy Attorney General  
*Attorneys for Complainant*

**Exhibit A**

**Statement of Issues No. 2012-539**

1 KAMALA D. HARRIS  
Attorney General of California  
2 FRANK H. PACOE  
Supervising Deputy Attorney General  
3 JONATHAN D. COOPER  
Deputy Attorney General  
4 State Bar No. 141461  
455 Golden Gate Avenue, Suite 11000  
5 San Francisco, CA 94102-7004  
Telephone: (415) 703-1404  
6 Facsimile: (415) 703-5480  
*Attorneys for Complainant*

7  
8 **BEFORE THE**  
**BOARD OF REGISTERED NURSING**  
**DEPARTMENT OF CONSUMER AFFAIRS**  
9 **STATE OF CALIFORNIA**

10 In the Matter of the Statement of Issues  
11 Against:

Case No. **2012-539**

12 **TANYA MARIE NGUYEN**  
13 **aka Tanya Thangh-Nga**  
14 **4570 Turnstone Way**  
15 **Fairfield CA, 94534**

**STATEMENT OF ISSUES**

Respondent.

16 Complainant alleges:

17 **PARTIES**

18 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Statement of Issues solely in  
19 her official capacity as the Interim Executive Officer of the Board of Registered Nursing,  
20 Department of Consumer Affairs.

21 2. On or about May 18, 2011, the Board of Registered Nursing, Department of  
22 Consumer Affairs received an application for a registered nurse license from Tanya Marie  
23 Nguyen a.k.a. Tanya Thangh-Nga (Respondent). On or about May 12, 2011, Tanya Marie  
24 Nguyen aka Tanya Thangh-Nga certified under penalty of perjury to the truthfulness of all  
25 statements, answers, and representations in the application. The Board denied the application on  
26 August 22, 2011.

27 **JURISDICTION**

28 3. This Statement of Issues is brought before the Board of Registered Nursing (Board),

1 Department of Consumer Affairs, under the authority of the following laws. All section  
2 references are to the Business and Professions Code unless otherwise indicated.

3 STATUTORY PROVISIONS

4 4. Section 480 of the Code states:

5 (a) A board may deny a license regulated by this code on the grounds that the applicant has  
6 one of the following:

7 (1) Been convicted of a crime. A conviction within the meaning of this section means a  
8 plea or verdict of guilty or a conviction following a plea of nolo contendere. Any action which a  
9 board is permitted to take following the establishment of a conviction may be taken when the  
10 time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal, or when  
11 an order granting probation is made suspending the imposition of sentence, irrespective of a  
12 subsequent order under the provisions of Section 1203.4 of the Penal Code.

13 (2) Done any act involving dishonesty, fraud or deceit with the intent to substantially  
14 benefit himself or another, or substantially injure another; or

15 (3) Done any act which if done by a licentiate of the business or profession in question,  
16 would be grounds for suspension or revocation of license.

17 The board may deny a license pursuant to this subdivision only if the crime or act is  
18 substantially related to the qualifications, functions or duties of the business or profession for  
19 which application is made.

20 (b) Notwithstanding any other provision of this code, no person shall be denied a license  
21 solely on the basis that he has been convicted of a felony if he has obtained a certificate of  
22 rehabilitation under Section 4852.01 and following of the Penal Code or that he has been  
23 convicted of a misdemeanor if he has met all applicable requirements of the criteria of  
24 rehabilitation developed by the board to evaluate the rehabilitation of a person when considering  
25 the denial of a license under subdivision (a) of Section 482.

26 (c) A board may deny a license regulated by this code on the ground that the applicant  
27 knowingly made a false statement of fact required to be revealed in the application for such  
28 license.

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28

?

2

7

## 17

12

74

16

18